

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN LEGGETT, }
Petitioner, } Civil Action No. 05-283 Erie
v. }
MARILYN BROOKS, }
Respondent. }

MEMORANDUM ORDER

This motion for leave to proceed *in forma pauperis* was received by the Clerk of Court on September 29, 2005, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 2], filed on October 4, 2005, recommended that the motion be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail and on Respondent. No objections were filed. After de novo review of the motion and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 24th day of October, 2005;

IT IS HEREBY ORDERED that the Petitioner's motion for leave to proceed *in forma pauperis* [Doc. No. 1] is DENIED.

The Report and Recommendation [Doc. No. 2] of Magistrate Judge Baxter, filed on October 4, 2005, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge